REMARKS/ARGUMENTS

This Amendment and the following remarks are intended to fully respond to the Final Office Action dated October 20, 2005. In that Office Action, claims 6-25 were examined. Claims 19-25 have been withdrawn from consideration by the Examiner, claims 14-18 have been objected to, and claims 6-18 stand rejected. More specifically, claims 19-25 were withdrawn from consideration because, according to the Examiner, "claims 19-25 are directed to an invention that is independent or distinct from the invention originally claimed" in that "[c]laims 6-18 are drawn to notifying a user of multiple events according to the selected mode," while "[c]laims 19-25 are drawn to switching among multiple profiles in response to a change in an environment of the user." Final Office Action, 10/20/2005, Election/Restrictions, p. 6. Further, claims 14-18 are objected to because of informalities; claims 6-13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,587,835 to Treyz et al. (hereinafter, "Treyz"); claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Treyz in view of U.S. Patent No. 6,125,385 to Wies et al. (hereinafter, "Wies); claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Treyz in view of U.S. Patent No. 6,816,878 to Zimmers et al. (hereinafter, "Zimmers"); and claims 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Treyz in view of U.S. Patent No. 5,808,907 to Shetty et al.

In this Response, claims 6, 9, 13-16, and 18 have been amended; claims 19-25 remain presented in light of the arguments presented below; and claims 26-27 have been added. Claims 1-5 remain cancelled. The Applicant respectfully notes that the amendments to claims 6, 9, and 18 have been made only for clarification purposes. These amendments are intended to clarify the nature of the invention, i.e., the interplay of mode, profile, notification event, and notification type. In addition, the amendments to claims 13-16 were made only for the purpose of correcting form. Further, while claims 26-27 have been added, these claims relate to the same invention as previously presented and thus do not require any additional patentability searching by the Examiner.

Claims Withdrawn from Consideration by the Examiner

The Examiner contends that claims 6-18 and claims 19-25 are drawn to distinct inventions because claims 6-18 are drawn to "notifying a user of multiple events according to the selected mode, lacking switching among multiple profiles in response to a change in an

environment of the user [as indicated by claims 19-25]." Final Office Action, 10/20/2005, Election/Restrictions, p. 6 (emphasis added). However, the Applicant respectfully disagrees with this characterization by the Examiner and maintains that claims 6-18 and claims 19-25 are merely claims to different embodiments of the same invention. As shown by the plain language of claims 6-18, and, when read in light of the specification, claims 6-18 allow for the switching of profiles in response to a change in the environment of the user. As the specification provides, "[p]rofiles are created of the various events, wherein each profile relates to a different mode or situational environment, such as a meeting environment, an office or normal environment, a louder outside-type environment." Application, p. 3, lines 21-23 (emphasis added).

Because claims 6-18 allow for the selecting of a notification mode and notification profile, they involve the ability to "switch among multiple profiles in response to a change in an environment of the user." Claims 6-18 and claims 19-25 are thus directed to the same invention; therefore, the Applicant respectfully disagrees with the Examiner's contention that "the searches for the two inventions would not be co-extensive." Id. at 7. To the contrary, no additional search would be required for claims 19-25. For example, while claims 22 -24 provide for switching profiles based on a predetermined calendar event, claim 8 similarly provides that "the selection signal for selecting one notification mode is generated by the calendar-type application program."

The Applicant thus respectfully traverses the Examiner's withdrawal of claims 19-25 and requests that the Examiner reconsider allowing these claims as presented. Section 821.03 of the Manual of Patent Examining Procedure (hereinafter, the "MPEP"), the section under which the Examiner has withdrawn claims 19-25 from consideration, is not applicable "where applicant presents claims that could not have been restricted from the claims drawn to [the] other elected invention had they been presented earlier." Because claims 19-25 are directed to the same invention as that claimed in claims 6-18, the Applicant respectfully contends that section 821.03 of the MPEP is not applicable here.

Accordingly, the Applicant respectfully requests reconsideration of the Examiner's withdrawal of claims 19-25. However, if the Examiner should consider the withdrawal to have been proper, the Applicant agrees to pursue the prosecution of claims 6-18 by virtue of constructive election without prejudice based on the original presentation of these claims for prosecution.

Claim Objections

Claims 14-18 are objected to because of informalities. Claims 14-16 have herein been amended to correct the typographical error in referring to claim "9" as claim "6." The Applicant intended to refer to claim "9" in these claims and has amended these claims accordingly. Because claims 17-18 depend upon claim 16, in which the typographical error in claim 16 has now been corrected, claims 17-18 now stand corrected as well. The Applicant thanks the Examiner for bringing the typographical error in claims 14-16 to the Applicant's attention.

Claim Rejections – 35 U.S.C. § 102

Claims 6-13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Treyz. Applicant respectfully traverses the § 102(e) rejections because the Examiner has failed to state a prima facie case of anticipation. A prima facie case of anticipation can be met only where the reference teaches each and every aspect of the claimed invention. See MPEP §§ 706.02 & 2136. Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. § 102(e) on the grounds that Treyz does not disclose, either explicitly or implicitly, each and every limitation of the pending claims.

Embodiments of the present invention, as defined in the claims, relate to notification events for small computer devices. More particularly, embodiments of the present invention use "notification profiles" associated with particular notification modes, or environments, to control how a notification is presented to the user of a small computer device. Various notification events include, but are not limited to, appointment reminders, reception of emails, incoming telephone calls, text messages, key presses, wireless communication signals, etc. As noted in the "Background" section of the specification of the present invention, it is typical for small computer device users to receive notifications of various events. Further, it is typical for each notification event to be associated with a particular notification type, e.g., audible signals, sounds, etc. However, taking this notification process one conceptual step further, the present invention provides for the control of user notifications for different environments through the use of customized notification profiles. In this regard, a small computer device may be set to a predetermined mode, wherein a "mode" refers to a particular type of environment, or "situational

environment" or "expected environment." Examples of modes include, but are not limited to, "meeting," "outside," "normal," "off," and "silent."

Associated with each mode of the present invention is a notification profile stored in the memory system. Thus, for example, a "meeting" mode is associated with a "meeting" profile. Each profile is comprised of information relating to notification event(s) and to a corresponding notification type(s) for each notification event. Thus, the particular notification profile maintains a listing of the various notification events and the notification types, e.g., vibration, sound, flashing light, displaying message, etc., associated with each event. Each notification event may be associated with one or more notification types or, alternatively, no notification types may be selected for a given event. Before sending a notification event to a user, the mode of the device is first determined, and then the notification event is sent with the associated notification type relating to the notification profile corresponding to that mode. The device may be manually put into a certain mode based on a selection of a particular mode by the user, or the device may be automatically placed in a predetermined mode, such as based on a stored calendar event.

While the Treyz patent relates to a handheld computing device, it primarily involves providing shopping assistance services through the use of such a device. The shopping assistance services contemplated by Treyz include: providing directory information for a mall, handling shopping lists, displaying promotional material in relation to the shopping lists, obtaining information on merchandise in a store, and providing for wireless purchasing of products. Corresponding services may be provided to a user based on the location of the user as determined by the location of the handheld computing device. The handheld computing device may also receive reminders and other messages. In one embodiment, the user may adjust alert and retention time settings for the various types of messages, i.e., reminders, notifications, advertisements, proximity messages, local messages, and e-mail. Treyz, col. 44; Fig. 69.

With respect to claim 6, Treyz fails to teach "storing two or more notification profiles for each of one or more users, wherein each notification profile is associated with a predetermined notification mode and wherein within each notification profile are notification events and wherein each of the notification events is associated with at least one notification type;" "receiving a selection signal to select one notification mode;" and "applying the selected notification mode to the small computer device and wherein the device remains in the selected

notification mode until another notification mode is selected and wherein the user is notified of events in accordance with the notification profile associated with the selected notification mode."

The principal, and significant, difference between Treyz and the claimed invention is that Treyz fails to teach the concept of a notification system based on "notification profiles" and corresponding "modes." As noted above, the present invention provides for the control of user notifications for different environments through the use of customized notification profiles. To control user notifications for different environments, e.g., meeting, outside, or normal modes, the present invention associates a notification profile with each mode. Each profile is comprised of information relating to notification events and to a corresponding notification type(s) for each notification event. A simplified, and very generalized, flowchart representing this set-up is as follows:

Mode (Environment) → Notification Profile → [Notification Events -- Notification Types]

Treyz, on the other hand, does not provide for "notification profiles" for particular "modes." As noted above, Treyz only teaches adjusting alert and retention time settings, or notification types, for the various types of messages, or notification events, i.e., reminders, notifications, advertisements, proximity messages, local messages, and e-mail. Treyz, col. 44; Fig. 69. Thus, Treyz does not teach "notification profiles" associated with a particular "mode." Unlike the present invention, Treyz teaches associating a particular notification type, i.e., type of alert (vibration, visual, tone) and retention time of the alert (5 min. to 2 hours), with a notification event (e.g., a proximity message, local message, notification, reminder, or e-mail). Because Treyz does not provide for notification profiles relating to particular modes or environments, the notification types of Treyz are simply associated with notification events. A simplified representation of this set-up in Treyz is as follows:

[Notification Events -- Notification Types]

Merely associating a notification type with a notification event is a distinct concept from the concept of the present invention, which ultimately associates notification types with notification events to take into account the particular mode or environment selected for the small computer device. In fact, the present invention points out in the "Background" section of the specification that associating a notification type with a notification event, as seen in Treyz, is prior art: "Typically, each event is associated with a particular type of notification and different events often trigger or initiate different types of notifications. For example, receiving email may

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cause one sound while appointment reminders may trigger a different sound." Treyz's mapping of notification types to notification events therefore cannot be construed as teaching the present invention's creation of profiles for specific situational environments, i.e., meeting, normal, and outside modes, among others. While Treyz's "proximity" and "local" messages refer to sending specific messages based on the physical location of the user, id. at col. 23, lines 31-34; col. 3, line 32; col. 2, lines 32-36, Treyz simply refers to "local" and "proximity" as "types of messages" received and, therefore, is not concerned with mapping *notification types* to any particular environments. See id. at col. 4, lines 1-5 & lines 9-10 ("Various types of messages may be provided to the handheld computing device. For example, a proximity message may be provided. . . . The user may adjust alert settings for various message types" (emphasis added)). In other words, Treyz does not provide for adjusting the notification type based on the environment or mode, as is contemplated by an embodiment of the present invention. The "local" and "proximity" messages relate only to whether to send certain messages, or events, in the first instance and thus do not relate to adjustments to the notification types of these messages being sent.

Accordingly, Treyz simply maps the appropriate notification type for a type of message, or notification event, and thus does not associate notification types with the overarching situational environment. Treyz describes: "Local messages, notifications, reminders, and e-mail have different alert and retention times." Id. at col. 44, lines 35-37. The Examiner has admitted that the "messages" of Treyz are simply "notification events" and that the "alert adjustments" are "notification types," such as vibration, visual, etc. In the October 20, 2005 Office Action, the Examiner stated, "The message types are different types of events. The alert response for each message type, like vibration, visual only, tone, etc., are the different types of notifications, which the user can select for each event figure 69 and 70." Office Action, 10/20/05, p. 9; see also id. at p. 3 ("[A] user can adjust [each message type] to receive notification of events, i.e., proximity, local, notifications, etc." (emphasis added)).

However, the Applicant respectfully points out that despite the Examiner's correct definitions of "notification events" and "notification types" with respect to Treyz and the present invention, the Examiner misconstrues the critical relationship of the present invention's notification types and events with the "profiles" associated with particular "notification modes." The Examiner describes Treyz as analogous to the present invention and states, "Each message

type (fig. 69) denotes <u>different profiles that a user can adjust</u> to receive notification of events, i.e., proximity, local, notifications, etc." <u>Id.</u> (emphasis added). However, the Examiner incorrectly uses the term "profile" where Treyz intended the terms "alert and retention time settings," or "notification types," to be modified by the action of "adjusting." Treyz does not provide for "adjusting" profiles, but instead clearly states that the "user may adjust alert and retention time settings." "Alert and retention time settings" are nothing more than "notification types."

As discussed above, associating a notification event with a notification type is not the same concept as associating notification types and notification events with a profile corresponding to a particular situational environment, or mode. Thus, the present invention takes Treyz's notification event/notification type association at least one conceptual step further to account for situational-environment control. For example, while Treyz provides for a "tone" notification type for a "reminder" notification event, it does not teach providing multiple environment- or mode-specific profiles where there could be, by way of example, a "vibrate" notification type for a "reminder" event in one profile and a "visual only" and/or "tone" notification for a "reminder" event in another profile. Treyz thus does not teach the associating of notification types and events with a profile created for a particular mode, or situational environment. As the Examiner stated in the October 20, 2005 Office Action, "Treyz does not specifically mention about an event notification type based on a user's present environment." <u>Id.</u> at 13.

In addition, in providing for "<u>at least one</u> notification type" associated with each notification event within the particular notification profile, <u>see, e.g.</u>, claims 6, 9, & 19 (emphasis added), the claimed invention contemplates that multiple notification types may be used to notify a user of a notification event. Treyz does not provide for multiple notification types for a notification event. In Treyz, a single notification type is associated with a notification event. On the other hand, an embodiment of the present invention provides for multiple notification types to be associated with a notification event because the different profiles associated with each mode are comprised of notification events and corresponding notification types. As noted above, the notification type for a reminder notification event in a "meeting profile" could thus be different from the notification type for a reminder notification event in an "outside profile," <u>e.g.</u>, "vibrate" versus "sound," respectively. In fact, in the October 20, 2005 Office Action, the

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Examiner stated, "Treyz does not specifically mention about a user is capable of being notified of an event in a plurality of ways, depending on a currently selected profile, each of a plurality of profiles contains the plurality of notifications for an event." Id. at 14. Unlike Treyz, the present invention provides for notifying the user of an event in many different ways, depending on the currently selected profile.

Because Treyz does not provide for "notification modes" or "notification profiles," Treyz fails to teach any elements of claim 6 given that each and every element of claim 6 relates to either "notification mode(s)" or "notification profile(s)" or both.

Similarly, with respect to claim 9, Treyz necessarily fails to teach any of the claim elements, such as "a memory unit storing a plurality of notification profiles for each of one or more users, wherein each notification profile is associated with a predetermined notification mode and wherein within each notification profile are notification events and wherein each of the notification events is associated with at least one notification type;" or "a processing unit in response to a profile selected from the plurality of profiles in the memory unit . . . ." (Emphasis added.) Further, Treyz teaches neither "a first output device notifying the user of a notification event using a first notification type;" nor "a second output device notifying the user of the notification event using a second notification type wherein the second notification type is different from the first notification type." See Treyz, Fig. 69 (providing for a single notification type, i.e., alert response, for each notification event, i.e., message).

While Treyz clearly does not provide for the "notification profiles" or "notification modes" of the present invention, the Applicant would like to respectfully point out that it has amended claims 6 and 9 for clarification purposes because it appears that the Examiner has experienced some difficulties in appreciating the significance of the distinctions between the present invention's "notification modes," "notification profiles," "notification events," and "notification types." These are distinct concepts which need to be recognized as such to appreciate the significance of this invention. Consequently, the Applicant has amended claims 6 and 9 to provide clarification in the interest of expediting an allowance of the claims of the present invention.

Treyz thus fails to teach each and every aspect of the claimed invention. For at least the above reasons, Applicant respectfully requests reconsideration of the rejections to claims 6 and 9 in view of Treyz as these claims are believed to recite the present invention in a manner which is

patentably distinguishable over Treyz. In addition, claims 7-8 and 10-13 are also believed to be patentable over Treyz as these claims depend from the allowable base claims 6 and 9.

Claim Rejections – 35 U.S.C. § 103, Treyz in view of Wies

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Treyz in view of Wies. Because claim 14 depends from what the Applicant believes is an allowable base claim 9, *see* discussion *supra*, claim 14 is believed to be patentable over Treyz in view of Wies. The Applicant thus respectfully requests reconsideration of the rejection to claim 14 in light of the arguments and amendments presented above. Further, the Applicant notes that since the remarks above are believed to distinguish over the applied reference, any remaining arguments supporting the claim rejections are not acquiesced to even though they are not addressed herein.

Further, in addition to the dependent nature of the rejected claim 14 on the presumably allowable base claim 9, Applicant respectfully traverses the § 103(a) rejection because the Examiner has failed to state a prima facie case of obviousness. A prima facie case of obviousness can be established only when all of the following requirements are satisfied: (1) the reference or combination of references must teach or suggest all of the claim limitations; (2) there must be some suggestion or motivation in the references themselves to combine the references; and (3) there must be a reasonable expectation of success. See MPEP §§ 706.02(j) & 2143. Thus, the combination of references cited by the Examiner must teach or suggest every limitation of the claimed invention. CFMT, Inc. v. YieldUp Int'l Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003); see also MPEP § 2143.03.

As described above, Treyz fails to teach the notification "modes" or notification "profiles" of the present invention. Treyz provides for a single notification type for each notification event and does not provide for different notification types relating to the profile associated with the environmental mode selected. On the other hand, Wies relates to providing force feedback, through the use of a force feedback interface device, to a user of a client computer who is receiving information, e.g., a web page, over a network connection. Force feedback in the form of sounds can be correlated to web page objects and web events.

With respect to claim 14, Treyz and Wies, either alone or in combination, fail to satisfy the first prong of establishing a prima facie case of obviousness because they fail to teach or suggest all of the claim limitations. Claim 14 requires "[t]he computer system as defined in claim 9 wherein the two or more stored profiles include one or more assignments of a particular

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sound file to a particular event." As discussed above, Treyz fails to teach "profiles," and Wies likewise does not teach the use of the "profiles" associated with notification modes contemplated by the present invention. Further, neither Treyz nor Wies, alone or in combination, teach or suggest "two or more stored profiles includ[ing] one or more assignments of a particular sound file to a particular event." As the Examiner states, "Treyz does not specifically mention about assignment of a particular sound file to a particular event." Office Action, 10/20/2005, p. 13. Similarly, Wies does not teach this claim limitation. While Wies provides for sound to be associated with web events and web objects, Wies does not teach or suggest the association of such sound with a profile related to a particular mode, or situational environment. Instead, the sound in Wies is related only to web events and web objects, in which web events and objects are entirely distinct from the concept of a situational environment.

For at least these reasons, the Applicant respectfully requests reconsideration of the rejections to claim 14 in view of Treyz and Wies as claim 14 is believed to recite the present invention in a manner distinguishable over any combination of the above references.

Claim Rejections – 35 U.S.C. § 103, Treyz in view of Zimmers

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Treyz in view of Zimmers. Because claim 15 depends from what the Applicant believes is an allowable base claim 9, *see* discussion *supra*, claim 15 is believed to be patentable over Treyz in view of Zimmers. The Applicant thus respectfully requests reconsideration of the rejection to claim 15 in light of the arguments and amendments presented above. Further, the Applicant notes that since the remarks above are believed to distinguish over the applied reference, any remaining arguments supporting the claim rejections are not acquiesced to even though they are not addressed herein.

Further, in addition to the dependent nature of the rejected claim 15 on the presumably allowable base claim 9, Applicant respectfully traverses the § 103(a) rejection because the Examiner has failed to state a prima facie case of obviousness. A prima facie case of obviousness can be established only when all of the following requirements are satisfied: (1) the reference or combination of references must teach or suggest all of the claim limitations; (2) there must be some suggestion or motivation in the references themselves to combine the references; and (3) there must be a reasonable expectation of success. See MPEP §§ 706.02(j) &

2143. Thus, the combination of references cited by the Examiner must teach or suggest every limitation of the claimed invention. CFMT, Inc. v. YieldUp Int'l Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003); see also MPEP § 2143.03.

As described above, Treyz fails to teach the notification "modes" or notification "profiles" of the present invention. Treyz provides for a single notification type for each notification event and does not provide for different notification types relating to the profile associated with the environmental mode selected. Zimmers relates to an alert notification system for determining whether and to whom to send alert notifications relating to weather emergencies, chemical spills, volcanic eruptions, etc. In this regard, the system determines the appropriate recipients of a notification alert based on the recipients' geographic locations and notification requirements. See Zimmers, col. 4, lines 5-10 ("It is important that the alert notification system have the ability to pinpoint, calculate and define dynamically all recipients with respect to their notification requirements then systematically notify those individuals (and only those individuals) within those defined geographic locations.").

With respect to claim 15, Treyz and Zimmers, either alone or in combination, fail to satisfy the first prong of establishing a prima facie case of obviousness because they fail to teach or suggest all of the claim limitations. Claim 15 requires "[t]he computer system as defined in claim 9 wherein each profile comprises an event notification type based on a user's present environment." As discussed above, Treyz fails to teach "profiles," and Zimmers likewise does not teach the use of the "profiles" associated with notification modes contemplated by the present invention. Further, as the Examiner states, "Treyz does not specifically mention about an event notification type based on a user's present environment." Office Action, 10/20/2005, p. 13. Similarly, Zimmers does not teach "an event notification type based on a user's present environment." Zimmers concerns determining only whether and to whom to send a notification event, as opposed to the "type" of notification to send. While Zimmers provides for defining expiration time values, priority level values, and identifying information, for all alerts, it does not provide for associating different notification types for notification events within different profiles. Zimmers is concerned with the alert "events" for specific locations and not the notification "types" for such events. Further, Zimmers associates alert events based on the geographic location, or physical environment, of the recipient. See col. 7, lines 58-67. The present invention, however, is not concerned with the geographic location of the user but, rather,

relates to the "situational" environment of the user. Regardless of the latitude and longitude coordinates of the user's location, a "meeting" situational environment would result in the same profile and corresponding notification types.

For at least these reasons, the Applicant respectfully requests reconsideration of the rejections to claim 15 in view of Treyz and Zimmers as claim 15 is believed to recite the present invention in a manner distinguishable over any combination of the above references.

Claim Rejections – 35 U.S.C. § 103, Treyz in view of Shetty

Claims 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Treyz in view of Shetty. Because claims 16-18 depend from what the Applicant believes is an allowable base claim 9, *see* discussion *supra*, claims 16-18 are believed to be patentable over Treyz in view of Shetty. The Applicant thus respectfully requests reconsideration of the rejections to claims 16-18 in light of the arguments and amendments presented above. Further, the Applicant notes that since the remarks above are believed to distinguish over the applied reference, any remaining arguments supporting the claim rejections are not acquiesced to even though they are not addressed herein.

Further, in addition to the dependent nature of the rejected claims 16-18 on the presumably allowable base claim 9, Applicant respectfully traverses the § 103(a) rejection because the Examiner has failed to state a prima facie case of obviousness. A prima facie case of obviousness can be established only when all of the following requirements are satisfied: (1) the reference or combination of references must teach or suggest all of the claim limitations; (2) there must be some suggestion or motivation in the references themselves to combine the references; and (3) there must be a reasonable expectation of success. See MPEP §§ 706.02(j) & 2143. Thus, the combination of references cited by the Examiner must teach or suggest every limitation of the claimed invention. CFMT, Inc. v. YieldUp Int'l Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003); see also MPEP § 2143.03.

As described above, Treyz fails to teach the notification "modes" or notification "profiles" of the present invention. Treyz provides for a single notification type for each notification event and does not provide for different notification types relating to the profile associated with the environmental mode selected. Shetty relates to a method of providing information relating to a mobile machine, such as an earthmoving machine, to a user. Shetty

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provides for user-specific "profiles," in which the profiles are used to notify the data manager of when a user should be notified of an event based on defined events in that user's profile. Shetty, col. 2, lines 18-21. In other words, the profiles in Shetty define a "different list of events which trigger notification of the user." Id. at col. 2, lines 50-51.

With respect to claims 16-18, Treyz and Shetty fail to satisfy the first prong of establishing a prima facie case of obviousness because they, either alone or in combination, fail to teach or suggest all of the claim limitations. Specifically, Treyz and Shetty fail to teach: the computer system of claim 9 "wherein a user is capable of being notified of an event in a plurality of ways, depending on a currently selected profile;" "wherein each user has a plurality of profiles;" and "wherein each of the plurality of profiles contains a plurality of notification events and associated notification types." As discussed above, Treyz fails to teach "profiles," and Shetty likewise does not teach the use of the "profiles" associated with notification modes contemplated by the present invention. Further, the Examiner has specifically stated that "Treyz does not specifically mention about a user is capable of being notified of an event in a plurality of ways, depending on a currently selected profile, each of a plurality of profiles contains the plurality of notification events with associated notification types."

Further, Shetty does not teach profiles associated with notification modes, or situational environments, but instead teaches profiles associated only with events. While Shetty provides for a plurality of profiles and provides that each profile may "trigger a different mode or modes of communication," id. at col. 2, lines 58-59, these "profiles" referred to in Shetty are entirely event-based: "The user profile defines the events which trigger the notification and the method of notification." Id. at col. 2, lines 43-45. To the contrary, the "profiles" of the present invention are comprised of "notification events," but they are associated with "modes" or "situational environments." Thus, while Shetty and the present invention both use the term "profile," they attach an entirely different conceptual meaning to this term, and Shetty therefore cannot be read to teach or suggest the "profiles" of the present invention. In addition, Shetty does not teach that the profiles contain a "plurality of notification events and associated notification types." While Shetty provides for "different mode or modes of communication," id. col. 2, line 59, it does not indicate that these different modes of communication are in turn associated with particular notification events within the profiles.

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For at least these reasons, the Applicant respectfully requests reconsideration of the rejections to claims 16-18 in view of Treyz and Shetty as each of these claims is believed to recite the present invention in a manner distinguishable over any combination of the above references.

Conclusion

This Amendment and Response fully responds to the Final Office Action mailed on October 20, 2005. It is recognized that the Final Office Action may contain arguments and rejections that are not directly addressed by this Amendment and Response due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, the failure, if any, of this Amendment and Response to directly address an argument raised by the Examiner should not be interpreted as reflecting the Applicant's belief that such argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment and Response, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.
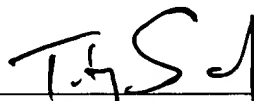
It is believed that no further fees are due with this Amendment and Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance, and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

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